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Pro se Creditor

**UNITED STATES BANKRUPTCY  
COURT SOUTHERN DISTRICT  
OF NEW YORK**

In re:	)	Chapter 11
CELSIUS NETWORK LLC, <i>et al.</i> , <sup>1</sup>	)	Case No. 22-10964 (MG)
Debtors.	)	(Jointly Administered)
	)	
	)	<b>Related Docket Nos.: 1972</b>

**VÍCTOR UBIERNA DE LAS HERAS' LIMITED OBJECTION  
TO DEBTORS' MOTION FOR AN ORDER (I) APPROVING (A)  
OMNIBUS CLAIMS OBJECTION PROCEDURES AND FORM  
OF NOTICE, (B) OMNIBUS SUBSTANTIVE CLAIMS  
OBJECTIONS, AND (C) SATISFACTION PROCEDURES AND  
FORM OF NOTICE, AND (II) MODIFYING BANKRUPTCY  
RULE 3007(E)(6)**

Víctor Ubierna de las Heras, *pro se* creditor, states as follows in support of this Limited Objection to the *Debtors' Motion for an Order (I) Approving (A) Omnibus Claims Objection Procedures and Form of Notice, (B) Omnibus Substantive Claims Objections, and (C) Satisfaction Procedures and Form of Notice, and (II) Modifying Bankruptcy Rule 3007(e)(6) (the "Motion")*, filed by the Debtors with docket number 1972:

**LIMITED OBJECTION**

1. This *pro se* Creditor knows very well that some kind of claim objection procedures are

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<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of their federal tax identification number are as follows: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); and Celsius US Holding LLC (7956). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 121 River Street, PH05, Hoboken, New Jersey 07030

needed. This is a limited objection to some of the language proposed by the Debtors. While I hope that Debtors do not object to claims regarding fraud and similar matters from creditors, their past behavior in this case indicates that they will try to fight creditors, as they have been constantly doing. That said, some modifications to the proposed order are needed. In Exhibit 1, paragraph 12, regarding discovery something concerning appears, as well as in the discovery paragraph proposed in the Notice of Exhibit 2. When debtors in a bankruptcy case object to a claim, the matter becomes a contested matter regulated by Rule 9014. Rule 9014 says that Rule 7026 General Provisions Governing Discovery applies. However, the text proposed by the Debtors in Exhibit 1 and Exhibit 2 is written in such a way that might induce creditors that are not familiar with the Federal Rules of Bankruptcy Procedure that only the Debtors can seek discovery or determine that discovery is necessary. Creditors were alarmed that their claims were wrong when the Debtors filed this motion and started worrying that their claims could be objected. Most creditors in this case are not represented by counsel and do not understand correctly how Bankruptcy works. That makes even more important that Debtors do not try to confuse them, either intentionally or unintentionally. Debtors must specify that they are not the only ones to decide on discovery if it becomes a contested matter. Thus, language regarding discovery should be modified. The proposed language (new text in green and suppressed in red) is:

“12. Discovery. If the Debtors **or the Claimant** determine that discovery is necessary in advance of a hearing on an Omnibus Objection, the Debtors **or the Claimant** will serve notice on the affected **party claimant** and its counsel of record that the scheduled hearing will be treated as a status conference during which the parties will request that the Court issue a scheduling order to facilitate dismissal or resolution

of the litigation. Such notice may be incorporated into the initial agenda letter for the hearing or may be provided in a separate notice. In accordance with Local Rule 9014-2, the first hearing on any contested Omnibus Objection with respect to a particular Claim will not be an evidentiary hearing, and there is no need for any witnesses to appear at such hearing unless the Court orders otherwise in accordance with Local Rule 9014-2”.

### **Conclusion**

For the foregoing reasons, the Court should deny the Motion or approve it with the proposed modifications in this objection. .

Dated: February 13, 2023

Madrid, Spain

Respectfully submitted,

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By: /s/ Víctor Ubierna de las Heras

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